## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

CATHERINE GIERBOLINI,	)
Plaintiff,	)
v.	) Case No. 1:13-cv-953 (CMH/TCB)
BOARD OF DIRECTORS	)
SCIENCE APPLICATIONS	)
INTERNATIONAL CORPORATION,	)
Defendant.	) ) )

## **DEFENDANT'S MOTION TO DISMISS**

Defendant, Board of Directors, Science Applications International Corporation, by and through its undersigned counsel, hereby moves the Court to dismiss the Complaint in the above-captioned matter in its entirety and with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) on the following grounds:

- (1) Plaintiff's Complaint is barred by the doctrine of *res judicata*; and
- (2) Plaintiff's Complaint fails to state a plausible claim for relief under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

Defendant submits a Supporting Memorandum and a Proposed Order.

Dated: November 1, 2013 Respectfully submitted,

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/s/

Vienna, Virginia 22182 Phone: (703) 748-2690 Fax: (703) 748-2695 Attorneys for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of November, 2013, a true and accurate copy of the foregoing was served by First Class Mail and electronic mail to the following address:

> Catherine Gierbolini 101 6<sup>th</sup> Avenue Huntington Station, NY 11746 cathieg7869@yahoo.com

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